

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MALIBU MEDIA, LLC,
Plaintiff,

v.

Case No. 13-CV-00228

SCOTT SAMUELS,
Defendant.

DECISION AND ORDER

Civil Local Rule 41(b) (E.D. Wis. 2010) states that

[i]n all cases in which a defendant has failed to file an answer or otherwise defend within 6 months from the filing of the complaint and the plaintiff has not moved for a default judgment, the Court may on its own motion, after 20 days' notice to the attorney of record for the plaintiff, or to the plaintiff if pro se, enter an order dismissing the action for lack of prosecution. Such dismissal must be without prejudice.

This case was filed on March 1, 2013. Defendant was served on July 2, 2013, as evidenced by a return of service filed with the court on August 7, 2013. Six months have expired since the filing of the complaint, yet to date defendant has not answered and plaintiff has not moved for default judgment.

Therefore, plaintiff is put on notice that the court shall dismiss this case without prejudice twenty days from the date of this memorandum unless within that time plaintiff takes sufficient action to prosecute this case.

Dated at Milwaukee, Wisconsin, this 18th day of September, 2013.

s/ Lynn Adelman

LYNN ADELMAN
District Judge